IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE M.H.S. ANSARI**

**and**
**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO. 22789 of 2004**

Between:

A.Venkat Reddy S/o.A.Chenna Reddy
H.No.42 High Court Colony, Vanasthalipuram,
Ranga Reddy Dist.

**..... PETITIONER**

AND

1 Regional Transport officer
East Zone, Malakpet,
Hyderabad.
2 Motor Vehicles Inspector,
Ibrahimpatnam, Ranga Reddy.
3 Station House Officer
Hayathnagar P.S., Ranga Reddy Dist.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the Respondents in seizing and detaining the petitioners Tata Mobile Van bearing Registration No.AP.11/B.6106, pursuant to the Vehicle Check Report No.0533380, dt 27-11-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner herein without insisting upon payment of any difference of tax, forthwith, and pass such other or further orders.

**Counsel for the Petitioner:MR.J.KANAKAIAH**

**Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT**

**Counsel for the Respondent No.3:---------**

**The Court at the admission stage made the following Order:**

**THE HON'BLE MR JUSTICE M.H.S. ANSARI**

**AND**

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO. 22789 of 2004**

**ORAL ORDER:** (per the Hon'ble Mr.Justice B.SESHASAYANA REDDY)

Having heard the counsel for the respective parties, we are inclined to dispose of the writ petition at this stage.

This writ petition is filed questioning the seizure of the vehicle under Section 8 of the A.P.Motor Vehicles Taxation Act and Section 207 of the Motor Vehicles Act.

Admittedly, the first respondent is the competent authority to pass appropriate orders for grant of the interim custody of the vehicle. Petitioner has not filed any application before the first respondent. Therefore, the writ petition is devoid of merits and is dismissed with a liberty to file an application before the first respondent-Regional Transport Officer, Malakpet and thereafter, the first respondent has to pass appropriate orders within three (3) days from the date of submitting the application.

With the above observation, the writ petition is dismissed at the admission stage. No costs.

_____ M.H.S. ANSARI,J

09.12.2004

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B.SESHASAYANA REDDY,J

Note:Furnish copy in two days

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Usd/klp

To

1 The Regional Transport officer, East Zone, Malakpet, Hyderabad.
2 The Motor Vehicles Inspector, Ibrahimpatnam, Ranga Reddy District.
3 The Station House Officer, Hayathnagar P.S., Ranga Reddy Dist.

4 Two CCs to G.P. for Transport, A.P.High Court Buildings,

Hyderabad (OUT)

5 Two CD copies.